

ASSEMBLY BILL

No. 613

**Introduced by Assembly Member Hagman
(Coauthors: Assembly Members Donnelly, Garrick, Halderman,
Logue, Morrell, and Valadao)**

February 16, 2011

An act to amend Sections 16450, 16580, and 16650, to repeal Sections 16662, 17315, and 30312 of, and to repeal Article 3 (commencing with Section 30345) of Chapter 1 of Division 10 of Title 4 of Part 6 of, the Penal Code, relating to ammunition.

LEGISLATIVE COUNSEL'S DIGEST

AB 613, as introduced, Hagman. Ammunition.

Existing law provides that no handgun ammunition vendor, as defined, shall sell, offer for sale, or display for sale, any handgun ammunition in a manner that allows that ammunition to be accessible to a purchaser without the assistance of the vendor or employee thereof. Existing law requires, subject to exceptions, commencing February 1, 2011, that handgun ammunition vendors obtain a thumbprint and other information from ammunition purchasers, as specified. Existing law provides, subject to exceptions, that commencing February 1, 2011, the delivery or transfer of ownership of handgun ammunition may only occur in a face-to-face transaction, with the deliverer or transferor being provided bona fide evidence of identity of the purchaser or other transferee. Violations of any of the above provisions are misdemeanors, some with specified penalties.

This bill would repeal these provisions and make related conforming and technical changes.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 16450 of the Penal Code is amended to
2 read:
 - 3 16450. As used in Sections 31610 to 31700, inclusive, *and* in
4 Chapter 2 (commencing with Section 29030) of Division 7 of Title
5 4, ~~and in Article 3 (commencing with Section 30345) of Chapter~~
6 ~~1 of Division 10 of Title 4~~, “department” means the Department
7 of Justice.
 - 8 SEC. 2. Section 16580 of the Penal Code is amended to read:
 - 9 16580. (a) Except as stated in subdivision (c), the following
10 provisions are continuations of provisions that were included in
11 former Chapter 1 (commencing with Section 12000) of Title 2 of
12 Part 4, entitled “Firearms,” when that chapter was repealed by the
13 Deadly Weapons Recodification Act of 2010:
 - 14 (1) Sections 12001 to 12022.95, inclusive.
 - 15 (2) Sections 16120 to 16140, inclusive.
 - 16 (3) Subdivision (b) of Section 16170, to the extent it continues
17 former Sections 12001, 12060, 12078, 12085, and 12088.8, as
18 those sections read when they were repealed by the Deadly
19 Weapons Recodification Act of 2010.
 - 20 (4) Subdivision (c) of Section 16170.
 - 21 (5) Section 16190.
 - 22 (6) Sections 16220 to 16240, inclusive.
 - 23 (7) Section 16250, to the extent it continues former Section
24 12001, as that section read when it was repealed by the Deadly
25 Weapons Recodification Act of 2010.
 - 26 (8) Section 16260.
 - 27 (9) Sections 16320 to 16340, inclusive.
 - 28 (10) Section 16360.
 - 29 (11) Sections 16400 to 16410, inclusive.
 - 30 (12) Section 16430.
 - 31 (13) Section 16450, to the extent it continues former Sections
32 12060 and 12086, as those sections read when they were repealed
33 by the Deadly Weapons Recodification Act of 2010.
 - 34 (14) Subdivision (b) of Section 16460.
 - 35 (15) Section 16470.

- 1 (16) Section 16490.
- 2 (17) Subdivision (a) of Section 16520, to the extent it continues
- 3 former Section 12001, as that section read when it was repealed
- 4 by the Deadly Weapons Recodification Act of 2010.
- 5 (18) Subdivisions (b) to (g), inclusive, of Section 16520.
- 6 (19) Sections 16530 to 16550, inclusive.
- 7 (20) Section 16570.
- 8 (21) Sections 16600 to 16640, inclusive.
- 9 (22) Section 16650, to the extent it continues former Section
- 10 12060, as that section read when it was repealed by the Deadly
- 11 Weapons Recodification Act of 2010.
- 12 ~~(23) Section 16662, to the extent it continues former Section~~
- 13 ~~12060, as that section read when it was repealed by the Deadly~~
- 14 ~~Weapons Recodification Act of 2010.~~
- 15 ~~(24)~~
- 16 (23) Sections 16670 to 16690, inclusive.
- 17 ~~(25)~~
- 18 (24) Sections 16720 to 16760, inclusive.
- 19 (25) *Section 16800.*
- 20 ~~(26) Sections 16800 and 16810.~~
- 21 (26) *Section 16810.*
- 22 (27) Sections 16830 to 16870, inclusive.
- 23 (28) Sections 16920 to 16960, inclusive.
- 24 (29) Sections 16990 and 17000.
- 25 (30) Sections 17020 to 17070, inclusive.
- 26 (31) Section 17090, to the extent it continues former Section
- 27 12020, as that section read when it was repealed by the Deadly
- 28 Weapons Recodification Act of 2010.
- 29 (32) Section 17110.
- 30 (33) Section 17125.
- 31 (34) Section 17160.
- 32 (35) Sections 17170 to 17200, inclusive.
- 33 (36) Sections 17270 to 17290, inclusive.
- 34 ~~(37) Sections 17310 and 17315~~
- 35 (37) *Section 17310.*
- 36 (38) Sections 17330 to 17505, inclusive.
- 37 (39) Sections 17515 to 18500, inclusive.
- 38 (40) Sections 19100 to 19290, inclusive.
- 39 (41) Sections 20200 to 21390, inclusive.
- 40 (42) Sections 21790 to 22490, inclusive.

1 (43) Sections 23500 to 30290, inclusive.

2 ~~(44) Sections 30345 to 30365, inclusive.~~

3 ~~(45)~~

4 (44) Sections 31500 to 31590, inclusive.

5 ~~(46)~~

6 (45) Sections 31705 to 31830, inclusive.

7 ~~(47)~~

8 (46) Sections 32310 to 32450, inclusive.

9 ~~(48)~~

10 (47) Sections 32900 to 33320, inclusive.

11 ~~(49)~~

12 (48) Sections 33600 to 34370, inclusive.

13 (b) Except as stated in subdivision (c), the provisions listed in
14 subdivision (a) may be referred to as “former Chapter 1
15 provisions.”

16 (c) Subdivision (a) does not include any provision that was first
17 codified in one of the specified numerical ranges after the effective
18 date of the Deadly Weapons Recodification Act of 2010.

19 SEC. 3. Section 16650 of the Penal Code is amended to read:

20 16650. ~~(a)~~ As used in this part, “handgun ammunition” means
21 ammunition principally for use in pistols, revolvers, and other
22 firearms capable of being concealed upon the person,
23 notwithstanding that the ammunition may also be used in some
24 rifles.

25 ~~(b) As used in Section 30312 and in Article 3 (commencing~~
26 ~~with Section 30345) of Chapter 1 of Division 10 of Title 4,~~
27 ~~“handgun ammunition” does not include either of the following:~~

28 ~~(1) Ammunition designed and intended to be used in an antique~~
29 ~~firearm.~~

30 ~~(2) Blanks.~~

31 SEC. 4. Section 16662 of the Penal Code is repealed.

32 16662. ~~As used in this part, “handgun ammunition vendor”~~
33 ~~means any person, firm, corporation, dealer, or any other business~~
34 ~~enterprise that is engaged in the retail sale of any handgun~~
35 ~~ammunition, or that holds itself out as engaged in the business of~~
36 ~~selling any handgun ammunition.~~

37 SEC. 5. Section 17315 of the Penal Code is repealed.

38 17315. ~~As used in Article 3 (commencing with Section 30345)~~
39 ~~of Chapter 1 of Division 10 of Title 4, “vendor” means a handgun~~
40 ~~ammunition vendor.~~

1 SEC. 6. Section 30312 of the Penal Code is repealed.

2 30312. ~~(a) Commencing February 1, 2011, the delivery or~~
3 ~~transfer of ownership of handgun ammunition may only occur in~~
4 ~~a face-to-face transaction with the deliverer or transferor being~~
5 ~~provided bona fide evidence of identity from the purchaser or other~~
6 ~~transferee.~~

7 ~~(b) Subdivision (a) shall not apply to or affect the sale, delivery,~~
8 ~~or transfer of handgun ammunition to any of the following:~~

9 ~~(1) An authorized law enforcement representative of a city,~~
10 ~~county, city and county, or state or federal government, if the sale,~~
11 ~~delivery, or transfer is for exclusive use by that government agency~~
12 ~~and, prior to the sale, delivery, or transfer of the handgun~~
13 ~~ammunition, written authorization from the head of the agency~~
14 ~~employing the purchaser or transferee is obtained, identifying the~~
15 ~~employee as an individual authorized to conduct the transaction,~~
16 ~~and authorizing the transaction for the exclusive use of the agency~~
17 ~~employing the individual.~~

18 ~~(2) A sworn peace officer, as defined in Chapter 4.5~~
19 ~~(commencing with Section 830) of Title 3 of Part 2 who is~~
20 ~~authorized to carry a firearm in the course and scope of the officer's~~
21 ~~duties.~~

22 ~~(3) An importer or manufacturer of handgun ammunition or~~
23 ~~firearms who is licensed to engage in business pursuant to Chapter~~
24 ~~44 (commencing with Section 921) of Title 18 of the United States~~
25 ~~Code and the regulations issued pursuant thereto.~~

26 ~~(4) A person who is on the centralized list maintained by the~~
27 ~~Department of Justice pursuant to Article 6 (commencing with~~
28 ~~Section 28450) of Chapter 6 of Division 6 of this title.~~

29 ~~(5) A person whose licensed premises are outside this state and~~
30 ~~who is licensed as a dealer or collector of firearms pursuant to~~
31 ~~Chapter 44 (commencing with Section 921) of Title 18 of the~~
32 ~~United States Code and the regulations issued pursuant thereto.~~

33 ~~(6) A person who is licensed as a collector of firearms pursuant~~
34 ~~to Chapter 44 (commencing with Section 921) of Title 18 of the~~
35 ~~United States Code and the regulations issued pursuant thereto,~~
36 ~~whose licensed premises are within this state, and who has a current~~
37 ~~certificate of eligibility issued by the Department of Justice~~
38 ~~pursuant to Section 26710.~~

39 ~~(7) A handgun ammunition vendor.~~

40 ~~(8) A consultant-evaluator.~~

- 1 ~~(e) A violation of this section is a misdemeanor.~~
- 2 SEC. 7. Article 3 (commencing with Section 30345) of Chapter
- 3 1 of Division 10 of Title 4 of Part 6 of the Penal Code is repealed.